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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,467	01/26/2000	Yoshifumi Sakamoto	13178(JA998-139)	8561

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EXAMINER

MA, JOHNNY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/491,467

Applicant(s)

SAKAMOTO ET AL.

Examiner

Johnny Ma

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-9 and 12.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In response to applicant's argument, with regard to claim 12, where applicants fail to note the particular formal grounds of rejection, inasmuch as the language therein does not appear to be objectionable and is clear in its content. The examiner would like to point out that claim 12 was rejected as indefinite because of its dependency of rejected indefinite claim 8.

2. In regard to the Darbee et al. reference, the applicant argues the Darbee et al. reference does not in any manner employ an electronic program guide. To the contrary, the present invention is directed to receive EPG data from a receiver unit and then to utilize the latter in order to enable the display of the selected programs. This has nothing in common with the fundamental concept of Darbee et al., which merely is a currently employed standard remote control display. However, the examiner respectfully disagrees, the Darbee reference clearly discloses receiving EPG data from a receiver unit and then to utilize the latter in order to enable the display of the selected programs. where in one particularly innovative aspect, the present invention is directed to **a remote control unit having a graphic display for depicting program scheduling and/or advertising information** without causing an interruption in content that is being depicted on an associated television monitor (2:45-49). The Darbee et al. reference also discloses it will also be appreciated that, by depressing the EZ NAV key, it is possible to effect channel selections. For example, if a program depicted on the display 14 of the remote control unit 10 is highlighted, one need only depress the EZ NAV key 20 to select that channel for viewing on an associated television set (not shown) (11:5-11). The Darbee et al. reference also discloses a remote control unit with an IR or RF communication link to an associated set-top box

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(8:48-52) where the **remote control unit includes an IR or RF transmitting and receiving circuits** (7:10, 18-21). Clearly, the EPG data displayed on the remote control device is received from the set-top box via the disclosed communication link. Moreover, the Darbee et al. reference specifically discloses the receipt of locally broadcast program and advertising data is received by the remote control from the set top box (9:1-20).

3. In regard to the Huang et al. reference, the applicant argues although this publication is adapted to select a TV program out of a program table employing a Palm device, the acquisition procedure is different from receiving EPG from a receiver unit. To the contrary, the unique aspect of the present invention is to obtain the EPG data through initially the digital broadcast receiver. The EPG data is then processed in the program display and selecting apparatus, whereby this is fundamentally distinct and inventive in comparison with the Huang et al. patent, irrespective as to whether this is considered singly or in combination with Darbee et al. However, the examiner respectfully disagrees. The Darbee et al. reference clearly discloses obtaining EPG data through initially the digital broadcast receiver. Furthermore, the Huang et al. reference, as cited in the previous Office Action, was relied upon solely for its teaching of a touch panel functionality. Therefore, applicant's argument in regard to the Huang et al. reference is moot.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 6:00 pm (First Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

jm
July 30, 2003



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600